(67)

## HIGH COURT OF CHHATTISGARH: BILASPUR

**Writ Petition (s) No. 3280 of 2007**

**Petitioner** Ravi Shankar Gupta, S/o. Late Shri Sundar Lal Gupta, Aged 60 years, R/o. E 1/1 Govt. Residential Complex, Devendra Nagar, Raipur, CG.

**Versus**

**Respondents**

1) Stated of Chhattisgarh, through Secretary, Department of Commercial Tax, Mantralaya, D.K.S. Bhawan, Raipur, CG.

2) Secretary, State of Chhattisgarh, Department of Home, Mantralaya, D.K.S. Bhawan, Raipur, CG.

3) Commissioner, Commercial Tax, Raipur, CG.

4) Accountant General, State of Chhattisgarh, Raipur, CG.

5) Director, Estate & Competent Officer under the Chhattisgarh Lok Parishar (Bedakhli) Adhiniyam, 1974, Raipur, CG.

(Writ Petition under Article 226 of the Constitution of India)

**SB: Hon'ble Mr. Justice Satish K. Agnihotri**

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**Present:**

Shri V.C. Ottalwar, counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State.

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**ORAL ORDER**
**(Passed on 13th June, 2007)**

The petitioner while working as Additional Commissioner, Commercial Tax, Government of Chhattisgarh, retired on 30-12-2006 on attaining the age of superannuation.

2) The competent authority vide order dated 30-4-2007 permitted the petitioner to continue in the official accommodation being No. E-1/1, Devendra Nagar, Raipur, for a period of four months till 31-3-2007 on

making payment at market rate. It was clearly stated in the letter that the petitioner was required to vacate the official accommodation on or before 5-5-2007. The petitioner failed to comply with the said order. Accordingly, vide notice dated 21-5-2007 (Annexure P/4) the petitioner is directed to vacate the house immediately under the provisions of Chhattisgarh Lok Parisar (Bedakhali) Adhiniyam, 1974.

3) The petitioner has impugned the notice dated 21-5-2007 (Annexure P/4) on the ground that he be permitted to remain in the official accommodation as he has not been paid retiral benefits till date.

4) The contention of the petitioner deserves to be rejected on the simple ground that it is not a pre-condition to remain in the official accommodation even after retirement till retiral dues are paid. The notice dated 21-5-2007 is perfectly valid, legal and just.

5) This petition has no merit and as such is liable to be dismissed and is accordingly dismissed summarily.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Raju